



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING  
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May 7, 2012

**TECHNICAL STAFF REPORT**

*Petition Accepted on June 24, 2009  
Planning Board Meeting of May 24, 2012  
Zoning Board Hearing to be scheduled*

**Case No./Petitioner:** ZB 1101M – Elm Street Development, Inc.

**Location:** Sixth Election District  
East side of Gorman Road approximately 1,000 feet northeast of Skylark Boulevard  
Tax Map 47, Grid 2, Parcel 4; 9880-9910 Gorman Road

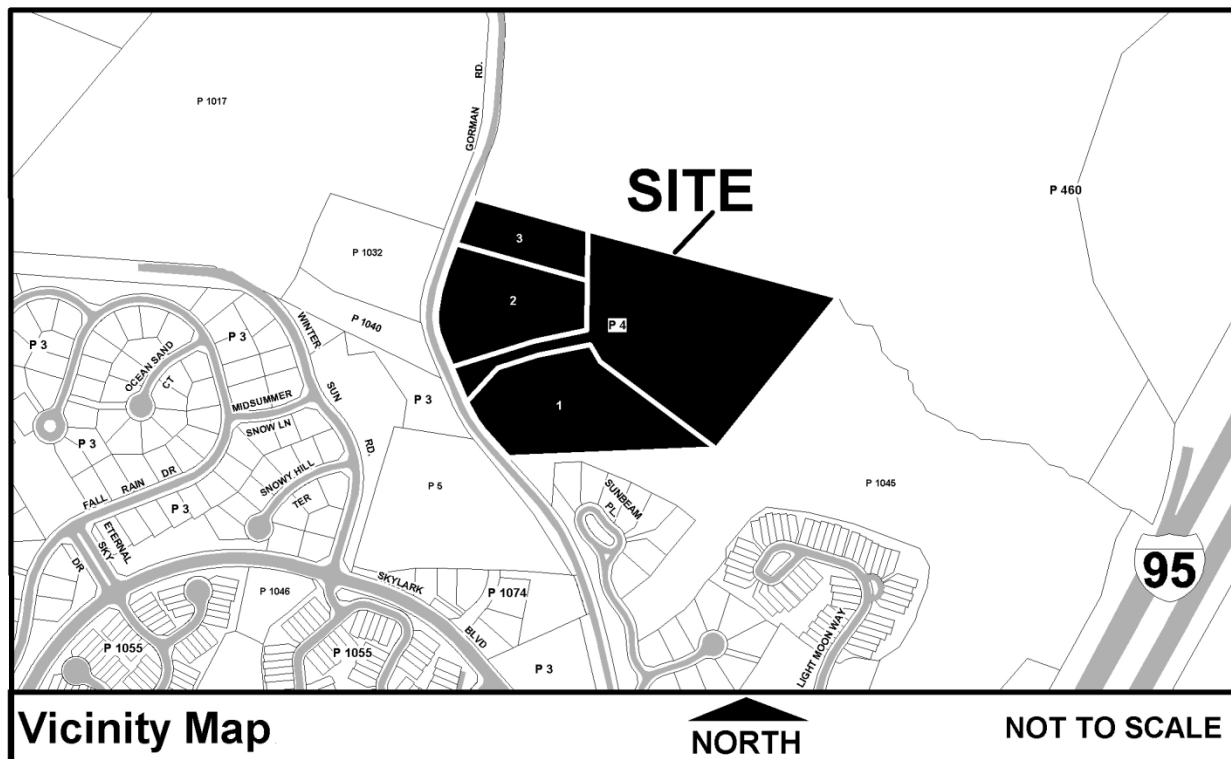
**Area of Site:** 18.62 acres (the "Property")

**Current Zoning:** PSC, with Preliminary Development Plan for an Age-restricted Adult Housing Development

**Proposal:** Amended Preliminary Development Plan for an Age-restricted Adult Housing Development with 10 single-family detached dwellings and 87 single-family attached dwellings.

**Department of Planning and Zoning Recommendation:**

**APPROVAL**



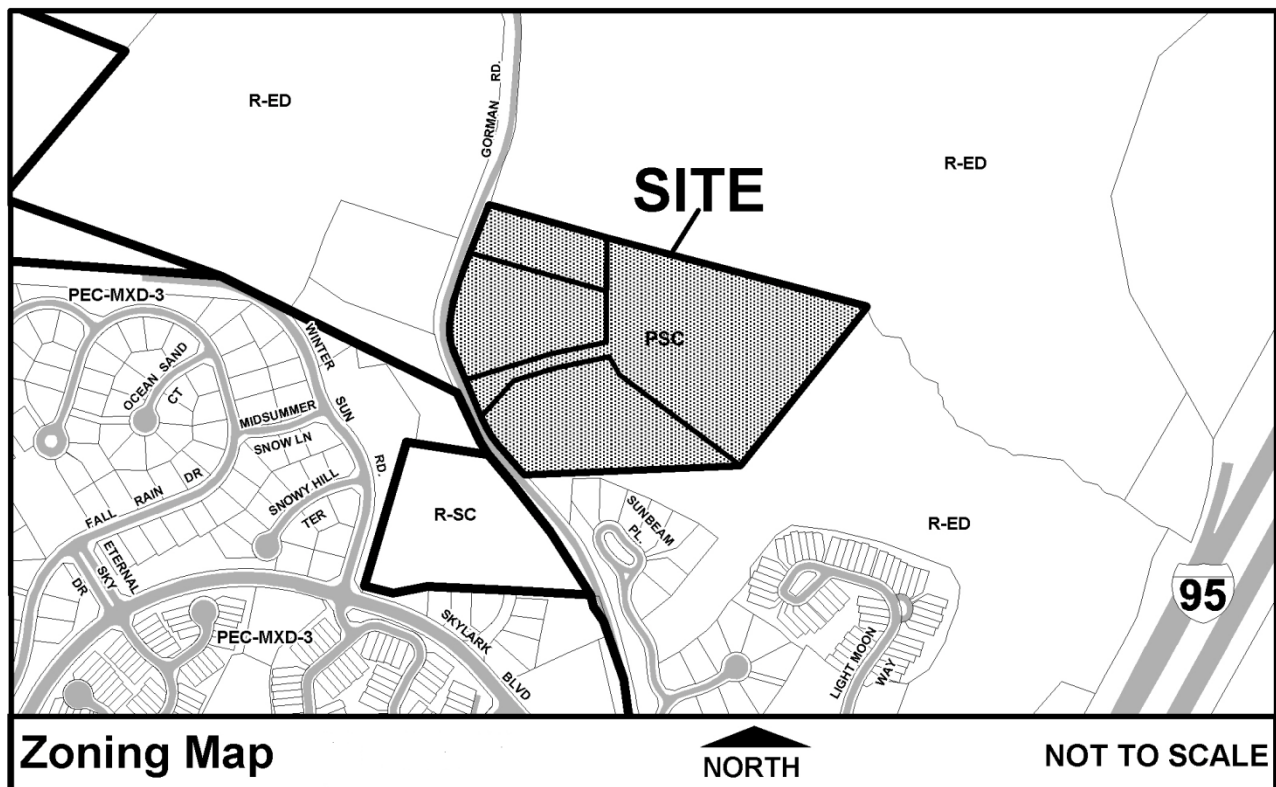
## I. DESCRIPTION OF PROPOSAL

- In 2005, the Property was originally rezoned in Zoning Board Case No. ZB 1041M from the R-ED (Residential: Environmental Development) District to the PSC (Planned Senior Community) District, with a Preliminary Development Plan for an Age-restricted Adult Housing Development with 132 dwelling units, primarily consisting of apartment units, but also including some single-family attached units and semi-detached units.

Later in 2007, the residential density was increased to 215 dwelling units in Zoning Board Case No. 1066M, with a new Preliminary Development Plan.

- The Petitioner proposes to amend the Preliminary Development Plan for the Property to delete all of the formerly approved apartment units and to significantly lower the dwelling unit total to 97 dwelling units consisting of 10 single-family detached dwellings and 87 single-family attached dwellings (the “2012 PDP”).

The bulk of the single-family attached dwelling units would be in 15 buildings fronting on Private Road A and Private Road B, ranging from three to six dwelling units per building. Two additional single-family attached dwelling unit buildings, one with three units and one with four units, would front on a secondary drive in the southwestern area of the Property.

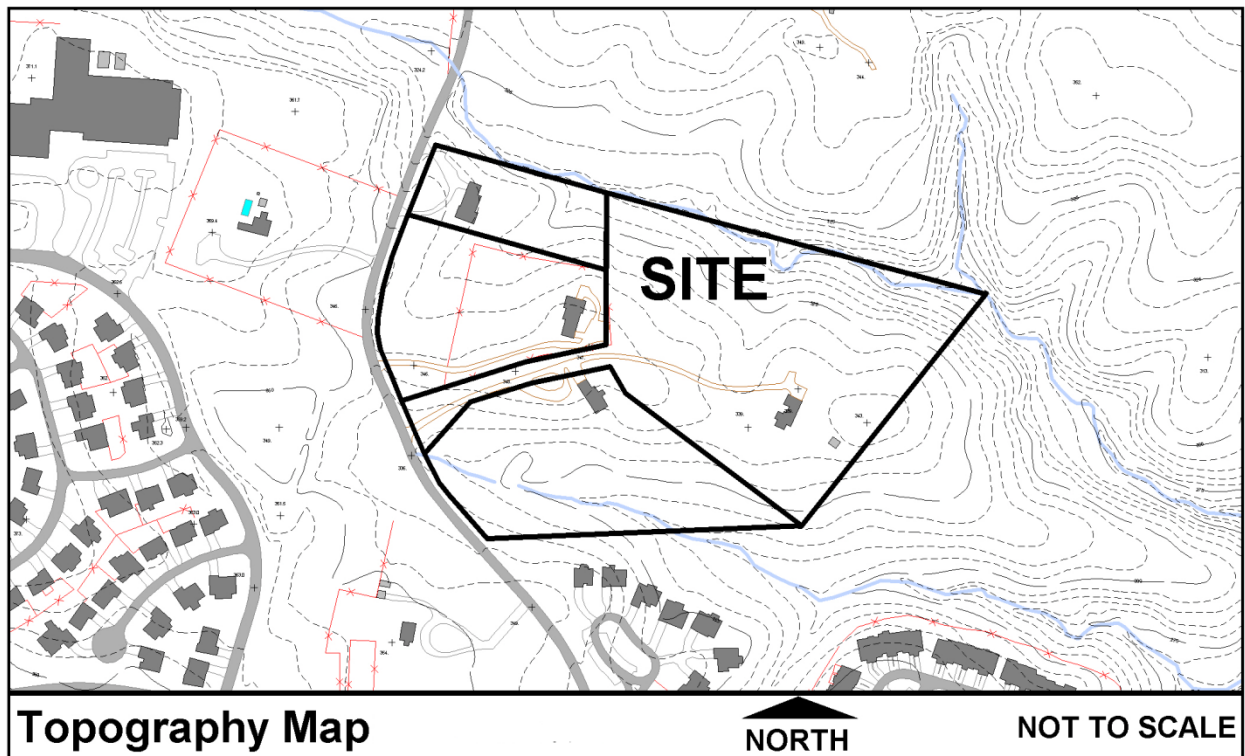


## I. DESCRIPTION OF PROPOSAL

- **Nine of the proposed ten single-family detached dwellings are shown in the eastern area of the Property, with open space to the rear. The tenth single-family detached dwelling is placed unusually at the very front of the development, near the entrance.**

Across Private Road B to the east of this tenth single-family detached dwelling is the proposed location for a community center and a recreation area. Specific details on the types of amenities are not given, but in the Criteria Analysis document attached to the petition it is stated generally that the 2012 PDP "...proposes recreation/common areas which will include walkways, gardens, and seating." It is also stated that there will be a pathway connection to a park trail, and this is indicated on the 2012 PDP near the southeast corner of the Property.

- **There are no parking total details on the 2012 PDP. All of the proposed dwellings are depicted in a manner that they could be garage units with relatively short driveways/parking pads in front, but that is not clearly stated. There are also what appear to be common parking areas adjoining the community center/recreation area and across Private Road B, but they are not labeled as such and individual parking spaces are not shown. The Petitioner should provide the parking information for the record.**



## **I. DESCRIPTION OF PROPOSAL**

- **The 2012 PDP will still preserve the environmentally sensitive wooded areas along the north and south sides of the Property. Rather than managing stormwater in large facilities, there are a number of relatively small facilities located throughout the development.**

## **II. ZONING HISTORY**

- A. Case No. ZB 1081M**  
Petitioner: Murray Hill PSC, LLC  
Request: Zoning Map Amendment to rezone the Property from the PSC District to the R-SA-8 District.  
Action: Denied, September 13, 2010.
- B. Case No. ZB 1066M**  
Petitioner: Murray Hill PSC, LLC  
Request: To amend a Preliminary Development Plan for an age-restricted adult housing development to increase density to 215 dwelling units including 39 Moderate Income Housing Units.  
Action: Granted, September 21, 2007 with an amended Preliminary Development Plan and Criteria.
- C. Case No. ZB 1041M**  
Petitioner: Murray Hill PSC, LLC  
Request: To rezone 18.61 acres from R-ED to PSC with a Preliminary Development Plan for 139 age-restricted adult housing units including 14 Moderate Income Housing Units.  
Action: Granted, May 16, 2005 with Preliminary Development Plan and Criteria as submitted to the Board and as amended non-substantively at the public hearing.

### **Subject Property and Surrounding Area**

- **With the 1961 Comprehensive Zoning Plan, the Property and all surrounding properties were zoned R-20. This R-20 zoning was maintained by the 1977 Comprehensive Zoning Plan.**
- **The 1985 Comprehensive Zoning Plan maintained the R-20 zoning for the Property, and for the properties to the northwest, north, east and south. The properties across Gorman Road to the west and southwest were zoned PEC.**
- **With the 1993 Comprehensive Zoning Plan, the Property and other adjacent properties previously zoned R-20 were rezoned to R-ED. The PEC properties across Gorman Road remained zoned PEC. Later, the Emerson property was rezoned from PEC to PEC-MXD-3 in Zoning Board Case No. 979M.**
- **The zoning for the Property and the surrounding area remained predominately the same with the 2004 Comprehensive Zoning Plan, except that Parcel 5 across Gorman Road to the southwest was rezoned from PEC to R-SC as Amendment No. 47.01.**

### III. BACKGROUND INFORMATION

#### A. Site Description

- **The Property is comprised of the four lots in the Waskey Property subdivision, which was recorded in 1982 when the Property was zoned R-20. It is irregular in shape and has frontage on Gorman Road.**

Each of the lots is improved with a single family detached dwelling. At the northwest area of the Property is Lot 3, and the dwelling on this lot is located relatively close to Gorman Road and the eastern rear half is wooded.

Adjoining the south side of Lot 3 is Lot 2, which is predominately open and the dwelling is located further back from the road near the southwest corner of the lot. Further to the south is Lot 1 on which the dwelling is located in the north, near the dwelling on Lot 2. The front yard of Lot 1 is open, but most of the rest of the lot to the south is wooded. There is an existing pond in the area in the front yard area. Lot 4 is situated to the east behind all the other lots, and is accessed by a long driveway which extends between Lot 1 and Lot 2. The central area of Lot 4 is open, but the north, east, and south areas of the perimeter are wooded.

- **The topography of the Property is rolling. The highest point is in an area generally to the west of the dwellings on Lot 1 and Lot 2. From this point the Property slopes down generally to the north and south, with a very slight slope down to the east.**

#### B. Vicinal Properties

- **To the north of the Property is Parcel 472, which is approximately 124 acres and is zoned R-ED.**

The area of Parcel 472 which adjoins the Property is a wooded stream area. To the north of this wooded area this parcel is an open field. This property was formerly used for a wholesale nursery, and there are many nursery related structures located well to the east from Gorman Road down a long driveway.

- **The adjoining land to the east and south of the Property is zoned R-ED and is Open Space Lot 36 of the Emerson Section 1 Area 1 subdivision.**

Lot 36 is almost entirely wooded and is Department of Recreation and Parks property. A short distance further to the south are single family detached lots in the same subdivision with dwellings fronting on Sunbeam Place.

- **Across Gorman Road to the southwest is Parcel 5, which is zoned R-SC and is improved with a two-story frame, single-family detached dwelling fronting on Gorman Road.**

The properties across Gorman Road to the west of the driveways for Lots 1, 2 and 4 on the Site are zoned PEC-MXD-3 and are several open space lots. Past these open space lots are single family detached dwellings along Winter Sun Road and other streets within Emerson.

### **III. BACKGROUND INFORMATION**

- To the northwest of the Property across Gorman Road the area is zoned R-ED and there are Parcel 1040, which is improved with a two-story, frame single-family detached dwelling, and Parcel 1032, which is the site of the Gorman Crossing Elementary School and the Murray Hill Middle School.

#### **C. Roads**

- Gorman Road has two travel lanes and a variable paving width within a proposed 80 foot wide right-of-way. The posted speed limit is 30 miles per hour. Gorman Road is a designated Scenic Road in this area.
- Access, visibility and sight distance were approved with a Site Development Plan for the previous proposed development. A public sight easement area was recorded for the Property as F-06-170.
- According to data from the Department of Public Works, the traffic volume on Gorman Road east of Stephens Road was 5,978 ADT (average daily trips) as of February 2009.

#### **D. Water and Sewer Service**

- The Property is within the Metropolitan District and is within the 0 to 5 Year Service Area for Water and Sewer according to the Howard County Geographic Information System maps. The proposed development on the Property would be served by public water and sewer facilities.

#### **E. General Plan**

- The Property is designated Residential Areas on the Policies Map 2000-2020 of the 2000 General Plan.
- Gorman Road is depicted as a Minor Collector on the Transportation Map 2000-2020 of the 2000 General Plan.

#### **F. Agency Comments**

The following agencies had no objections to the proposal:

1. Department of Recreation and Parks
2. Department of Fire and Rescue
3. Department of Inspections, Licenses and Permits

#### **G. Adequate Public Facilities Ordinance**

The previously proposed development was subject to the Adequate Public Facilities Ordinance. It is unlikely that the development on the 2012 PDP will require new tests, but this would be determined with the Site Development Plan.

#### IV. EVALUATIONS AND CONCLUSIONS

**A. Evaluation of the Petition Concerning Section 127.1.H (Standards for approval of a PSC District Petition.)**

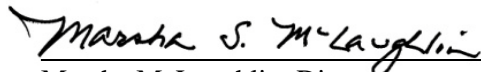
1. The 2012 PDP proposes 97 age-restricted adult housing units. The site planning for the Property will maintain significant wooded buffers next to the existing single-family detached dwellings in Emerson to the south, and to whatever future development occurs on the R-ED Parcel 472 to the north. The principally townhouse design of the development is similar to the townhouse areas of Emerson further to the south. The petition complies with Section 127.1.H.1.
2. In the Criteria Analysis document attached to the petition, a detailed evaluation of the Section 127.1.B. criteria is provided. The Department of Planning and Zoning concurs with this evaluation, and therefore concludes that the petition complies with Section 127.1.H.2.
3. It was determined in the previous cases that safe public road access is available to and from the site, and this has also been established with the Site Development Plan details of the previous development design. The petition complies with Section 127.1.H.3.
4. As noted above, there will still be significant wooded buffers along the north and south sides of the development which will screen and buffer the proposed development from the adjoining existing and future residential developments. The area to the east is wooded open space. There is no specific landscaping design proposal with the 2012 PDP, but the standard landscaping requirements along the Gorman Road frontage of the developments should be sufficient to provide an appropriate buffer to the one single-family detached dwelling located across Gorman Road to the west.
5. There are large green open space areas providing buffering for the adjoining neighborhoods as noted above, and the depicted recreation area is large enough to establish the gardens and seating mentioned in the Criteria Analysis and be a common area focal point for the development. The petition complies with Section 127.1.H.5.
6. It is noted in the Criteria Analysis that the community building will comply with the size requirement, although the actual building design is not decided at this time. There will be a pathway connection to a park trail to the southeast.
7. Section 127.1.H.7. is not applicable.
8. No phasing is proposed, so Section 127.1.H.8. is not applicable.

#### IV. EVALUATIONS AND CONCLUSIONS

9. Section 127.1.H.9. requires that "The petition shall include descriptions of the design features of proposed dwellings to demonstrate their appropriateness for the age-restricted population." In the Criteria Analysis, the Petitioner addresses this criteria by stating that the development will comply with ADA standards and that any builder chosen for the development must agree to comply with the universal design guidelines. However, Section 127.1.H.9. requires a demonstration of appropriateness at this stage in the approval process, not at a future stage. It is recommended that the Petitioner address this criteria in more detail for the Planning Board and Zoning Board.
10. A homeowners association will be established as a legal entity to establish and maintain the age restrictions and to maintain the open space and common space. The petition complies with Section 127.1.H.10.
11. The 2012 PDP proposes an age-restricted adult housing development in a Residential Areas land use area of the General Plan, in the same location as the previous age-restricted adult housing developments approved in ZB 1041M and ZB 1066M. The petition complies with Section 127.1.H.11.

#### IV. RECOMMENDATION APPROVAL

For the reasons noted above, the Department of Planning and Zoning recommends that the request for approval of the 2012 PDP for the PSC District zoned Property be **APPROVED**, provided that the Petitioner can demonstrate compliance with Section 127.1.H.9. to the satisfaction of the Zoning Board.

 5/7/12  
Marsha McLaughlin, Director Date

NOTE: The file is available for public review at the Department of Planning and Zoning Public Information Counter.

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